

Appl. No.: 10/749,762
Amdt. dated 11/29/2005
Reply to Office Action of May 31, 2005

REMARKS

The Official Action rejects Claims 1-5, 7, 9-13, 16-19, 21, 22, 25 and 27 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,001,865 to Brad I. Procton. The Official Action also rejects Claims 1, 3, 5-9, 11, 13-17 and 25-30 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,773,791 to Alfred Hartkorn. Further, the Official Action rejects Claims 16-19 and 21-24 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,045,635 to Joseph J. Kaplo, et al. Claim 20 was also rejected under 35 U.S.C. § 103(a) as unpatentable over the Procton '865 patent. Finally, the Official Action objects to Claims 23 and 24 for lacking proper antecedent basis. Claims 16-24 have now been cancelled, thereby rendering moot the objection to Claims 23 and 24 for lacking proper antecedent basis, the rejection of Claims 16-19 and 21-24 as being anticipated by the Kaplo '635 patent and the rejection to Claim 20 as being obvious over the Procton '865 patent. Additionally, independent Claims 1, 9 and 25 have been amended and new Claims 31-36 have been added to further highlight several patentable distinctions between the claimed invention and the cited references. As a result of the amendments to independent Claims 1, 9 and 25, dependent Claims 2 and 26 have also been amended and dependent Claim 15 has been cancelled. Based on the foregoing amendments and the following remarks, Applicant respectfully requests reconsideration of the present application and allowance of the current set of claims.

Independent Claim 1 is directed to an apparatus for sealing at least two surfaces that includes a sealing member having an attachment portion fixed to one of the surfaces and a seal portion connected to the attachment portion and including a deformable segment. In addition to the sealing member, the apparatus of independent Claim 1 includes a receiving aperture defined by at least one of the surfaces and adapted to receive and retain the deformable segment of the seal portion of the sealing member. As now amended, independent Claim 1 further recites a coating disposed on the sealing member and the at least two surfaces. The coating is defined to extend continuously across the sealing member and at least one of the surfaces. *See*, for example, coating 42 in Figures 2, 3 and 4d of the present application. Similarly, independent Claim 25 is drawn to a method of sealing at least two surfaces and includes the steps of fixing

the attachment portion of the sealing member to one of the surfaces and positioning a deformable segment carried by the sealed portion of the sealing member within a receiving aperture defined by at least one of the surfaces. Independent Claim 25 has also been amended to further recite the application of a coating on the sealing member and the at least two surfaces such that the coating extends continuously across the sealing member and at least one of the surfaces.

None of the cited references teach or suggest an apparatus or a method for sealing at least two surfaces in which a coating is disposed on the sealing member and the two surfaces in such a manner as to extend continuously across the sealing member and at least one of the surfaces as now recited by amended independent Claims 1 and 25. In terms of a coating, the Official Action references the flexible skin 21 that is disposed about the tubular portion of the seal of the Procton '865 patent and the joint sealing compound 61 of the Hartkorn '791 patent. However, neither the flexible skin 21 of the Procton '865 patent nor the joint sealing compound 61 of the Hartkorn '791 patent, nor any other element of the cited references, is disposed on both the sealing member and the at least two surfaces as recited by amended independent Claim 1 or is applied to both sealing member and the at least two surfaces as recited by amended independent Claim 25. Moreover, neither the flexible skin 21 of the Procton '865 patent nor the joint sealing compound 61 of the Hartkorn '791 patent, nor any other elements of the cited references, extends continuously across the sealing member and at least one of the surfaces, as now recited in conjunction with the coating of amended independent Claims 1 and 25.

Instead, the flexible skin 21 of the Procton '865 patent merely covers the tubular portion of the seal and does not extend across the remainder of the seal or either of the surfaces that are sealed. In addition, the joint sealing compound 61 of the Hartkorn '791 patent covers the nut of a screw bolt and is not, in fact, disposed on the sealing member or either of the two surfaces that are sealed and, as such, does not extend continuously across the seal or either one of the surfaces that are sealed, as recited by amended independent Claims 1 and 25. Moreover, no other element of the cited references corresponds to the coating as now defined by amended independent Claims 1 and 25. Thus, none of the cited references teaches or suggests the apparatus and method of amended independent Claims 1 and 25.

Independent Claim 9 is also directed to an apparatus for sealing at least two surfaces that includes a sealing member having an attachment portion fixed to one of the surfaces and a seal portion connected to the attachment portion and including a deformable segment. The sealing member is capable of being positioned such that the deformable segment is inserted into a receiving aperture defined between the surfaces. As now recited, the sealing member defines an opening. Additionally, the apparatus of amended independent Claim 9 is now further defined to include a fastener aligned with the opening in the sealing member and underlying a portion of the deformable segment of the sealing member such that the deformable segment is disengaged from the receiving aperture when the fastener is at least partially loosened. Additionally, new independent method Claim 31 has been added that defines a method of sealing at least two surfaces in which the attachment portion of the sealing member is fixed to one of the surfaces and a deformable segment carried by the seal portion of the sealing member is positioned within a receiving aperture defined by at least one of the surfaces so as to overlie a fastener. In this regard, the deformable segment is positioned such that the fastener is aligned with an opening defined by the sealing member. In order to disengage the deformable segment from the receiving aperture, such as to break the seal between the at least two surfaces, new independent Claim 31 recites that the fastener is accessed via the opening defined by the sealing member and the fastener is thereafter loosened so as to disengage the deformable segment from the receiving aperture.

None of the cited references teaches or suggests the apparatus and associated method for sealing at least two surfaces as now recited by independent Claims 9 and 31 in which the deformable segment of the sealing member is aligned with an underlying fastener that is accessible via an opening defined by the sealing member such that the loosening of the fastener facilitates the disengagement of the deformable segment from the receiving aperture, thereby permitting the seal between the at least two surfaces to be broken. In this regard, the Official Action cites several elements of the joint described by the Hartkorn '791 patent to correspond to a fastener that is aligned with the deformable segment prior to the positioning of the deformable segment in the aperture. In particular, the Official Action contends that the fastener corresponds

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to any one of strips 20 and 40 and round cord 41. At the outset, Applicant submits that none of these elements constitutes a fastener. Even if any of these elements were considered to be a fastener (an assumption with which Applicant disagrees as noted above), none of these elements are aligned with an opening defined by the sealing member and positioned to underlie a portion of the deformable segment of the sealing member, as now recited by amended independent Claim 9 and newly submitted independent Claim 31. Moreover, none of these elements is described by the Hartkorn '791 patent to be capable of being at least partially loosened so as to disengage the deformable segment from the receiving aperture, as further recited by amended independent Claim 9 and new independent Claim 31. Additionally, no other element of the Hartkorn '791 patent nor any of the other cited references corresponds with or otherwise teaches or suggests a fastener positioned and capable of functioning as set forth by amended independent Claim 9 and newly submitted independent Claim 31.

For each of the reasons described above, Applicant submits that amended independent Claims 1, 9 and 25 and new independent Claim 31 are not taught or suggested by the cited references. Since each of dependent claims include the recitations of a respective independent claim, the dependent claims are also patentably distinct from the cited references for at least the same reasons as described above in conjunction with a respective independent claim. However, a number of the dependent claims include additional recitations that further patentably distinguish the cited references. For example, dependent Claims 2 and 26 further define the coating to have a splice coincident with a distal end of the sealing member so as to separate the coating that is disposed on the sealing member and one of the surfaces from the coating that is disposed on the other surface. *See*, for example, Figure 2 of the present application in which the splice defined by the coating permits the sealing member to be releasably disengaged. Further, dependent Claims 8, 29 and 30 recite a fastener and its positional relationship to the deformable segment of the sealing member as described above in conjunction with amended independent Claim 9 and new independent Claim 31. As none of the cited references teach or suggest these additional elements, Applicant submits that at least these dependent claims are also patentably

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distinct from the cited references for these additional reasons. Therefore, Applicant respectfully submits that each of the rejections is therefore overcome.


CONCLUSION

In view of the amendments to the claims and the remarks present above, Applicant respectfully submits that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is respectfully requested. In order to expedite examination of the present application, the Examiner is encouraged to contact Applicant's undersigned attorney in order to resolve any remaining issues.

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It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

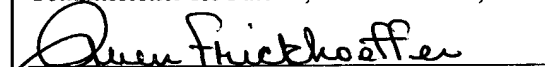


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